CONFERENCE OF THE COMMITTEE ON DISARMAMENT

CCD/267
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BRAZIL

Working Paper on the settlement of disputes arising from the implementation of a Treaty for the Non-Armament of the Sea-Bed and Ocean Floor

1. Twice in the course of its intervention on the general aspects of item 3 of the Committee's Agenda and when specially commenting on the Soviet and American Treaty drafts (Doc. ENDC/240 and ENDC/249), the Brazilian Delegation stated its firm conviction that any normative convention for the non-armament of the sea-bed and the ocean-floor would be incomplete if it were not to include appropriate provisions for the solution of disputes and controversies arising from its implementation (ENDC/PV.413 and PV.423).

2. The Government of Brazil is of the opinion that the implementation of a Treaty for the non-armament of the sea-bed and ocean-floor depends basically on two conditions:

(1) the clear and uncontroversial definition of the objects which are to be banned from the sea-bed and ocean-floor;

(2) the establishment of adequate control provisions which can provide to any Party to the Treaty firm assurances that all Parties are honouring their obligations and respecting rights recognized under International Law.

3. The present working-paper aims to attract the attention of the Committee to the necessity of examining the natural corolary of these conditions, namely, the formulation of suitable provisions for the settlement of disputes arising from the actual interpretation of a Treaty for the non-armament of the sea-bed and ocean-floor and specially from the operation of its norms of control.

(Previous documents in this series appeared under symbols ENDC/1-ENDC/266)

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69-21738

4. The Government of Brazil is also convinced that the inclusion in the future Treaty of such provisions will considerably facilitate the very acceptance of any control mechanism by a substantial number of States.

5. It is possible to envisage a number of situations where disputes, controversies or conflicts of interpretation among Parties could arise. Some of them could comprise the following elements in several possible combinations:

(1) divergent interpretations concerning the nature or ultimate purpose of an installation placed or implanted on the sea-bed and ocean-floor;

(2) disputes stemming from the manner in which an operation, in any of the stages of the control system, is conducted, specially when involving inspection, access and consequently interference with installations or activities on the sea-bed and ocean-floor or with the security areas that can surround these installations;

(3) disputes related to control activities undertaken in waters superjacent to the continental shelf of any State Party to the Treaty or in its territorial waters when these have a width of more than 12 miles;

(4) conflicting contentions on the jurisdiction covering military or other installations on the sea-bed and ocean-floor and on the responsibility for the emplacement of military or other installations on this environment;

(5) disputes arising from the lack of co-operation among States Parties in endeavouring to resolve questions regarding the fulfillment of the provisions of the Treaty as a whole and specially the norms of control.

6. This list does not intend to cover all specific situations where a dispute may arise but it still provides, in the view of the Brazilian Delegation, an examplification of the extent to which controversies may appear in the implementation of the Treaty.

7. When presenting this working-paper, the Brazilian Delegation remains fully aware of the fact that the Treaty under examination would become the first international instrument on arms control and disarmament negotiated in the Committee on Disarmament to include provisions for the settlement of disputes. It is however necessary to point out that never before had the Committee prepared directly or participated in the preparation of a Treaty which comprehended foreign means of control in areas that are under the national jurisdiction of States. This is clearly the case of a Treaty for

the non-armament of the sea-bed and ocean-floor since the continental shelf or even territorial waters of States Parties may come into the area where control operations may take place by national means of other States Parties.

8. The provisions for the settlement of disputes could conform with the usual processes such as mediation and eventual recourse to international instances such as the International Court of Justice. They could also specifically conform with the mechanisms of Chapter VI of the Charter of the United Nations. In such circumstances, the Security Council of the United Nations would be called to examine disputes on the basis of substantiated cases put to it by the States-Parties involved in the dispute and take a resolution on it. It could also be envisaged a system according to which the Secretary-General of the United Nations could be asked, by the interested Party or Parties, to perform the task of setting up the adequate methods and adopting the necessary measures in order to expedite the verification of any complaint.

9. The Brazilian Delegation hopes that the present preliminary suggestions, which are put forward in a spirit of frank co-operation, shall be thoroughly and attentively examined by the Committee.

CONFERENCE OF THE COMMITTEE ON DISARMAMENT

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MEXICO

Report on the First Session of the General Conference of the Agency for the Prohibition of Nuclear Weapons in Latin America (OPANAL)

The first part of the First Session of the General Conference of the Agency for the Prohibition of Nuclear Weapons in Latin America (OPANAL), established under the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco) was held in Mexico City from 2 to 9 September.

The meeting was attended by the representatives of thirteen of the fourteen States which are already Parties to the aforesaid Treaty (Barbados, the fourteenth, was unable to be present). Also present were 26 observers from countries of other continents.

The General Conference, which, under the terms of the Treaty, is the "supreme organ" of the Agency, unanimously approved seventeen resolutions on subjects of a legal, political, technical, administrative and budgetary nature, and elected the five members who will constitute the Council of OPANAL.

Also present at the opening meeting of the General Conference, by special invitation, were U Thant, Secretary-General of the United Nations and Mr. Sigvard Eklund, Director-General of the International Atomic Energy Agency, who both made important speeches.

Being considered to have a particular bearing on the subjects which the Committee on Disarmament has on its programme, the following documents are attached as annexes to this report: the full text of resolution I (I) adopted by the Conference and entitled "Status of Additional Protocol II to the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco)"; message adressed to the Conference by the President of Mexico, Mr. Gustavo Díaz Ordaz; statement by U Thant; statement by Mr. Sigvard Eklund; and statement by Mr. Alfonso García Robles, Under-Secretary for Foreign Affairs of Mexico at the same opening meeting.

(Previous documents in this series appeared under symbols ENDC/1-ENDC/266)

GE.69-20380

ANNEX 1

GENERAL CONFERENCE
First Session

Resolution A/RES/II

STATUS OF ADDITIONAL PROTOCOL II OF THE TREATY FOR THE PROHIBITION OF NUCLEAR WEAPONS IN LATIN AMERICA (TREATY OF TLATELOLCO)

The General Conference,

Having considered the Report of the Depositary Government on the Status of Additional Protocol II of the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco)[1/].

Considering that the Treaty of Tlatelolco is the only international instrument now in force designed to ensure the total absence of nuclear weapons from an inhabited region of the Earth and is also the only instrument relating to disarmament measures which establishes an effective international system of control under its own permanent supervisory body;

Recalling that the General Assembly of the United Nations declared in its resolution 2286 (XXII) that the Treaty of Tlatelolco "constitutes an event of historic significance in the efforts to prevent the proliferation of nuclear weapons and to promote international peace and security";

Recalling further that the Conference of Non-Nuclear-Weapon States in its Resolution B expresssed the conviction that, "for the maximum effectiveness of any treaty establishing a nuclear-weapon-free zone, co-operation of the nuclear-weapon States is necessary and that such co-operation should take the form of commitments likewise undertaken in a formal international instrument which is legally binding, such as a treaty, convention or protocol";

Taking into account that, for reasons similar to those stated by the Conference of Non-Nuclear-Weapon States, the Preparatory Commission for the Denuclearization of Latin America (COPREDAL) approved additional Protocol II of the Treaty of Tlatelolco, which was opened for the signature of the nuclear-weapon States on 14 February 1967;

1/ Document OPANAL/2

Noting that being Parties to the said Protocol involves for the nuclear-weapon States only the following obligations;

(a) To respect "the statute of denuclearization of Latin America in respect of warlike purposes, as defined, delimited and set forth" in the Treaty of Tlatelolco "in all its express aims and provisions";

(b) "Not to contribute in any way to the performance of acts involving the violation of the obligations of article 1 of the Treaty in the territories to which the Treaty applies ...";

(c) "Not to use or threaten to use nuclear-weapons against the Contracting Parties of the Treaty";

Convinced that such obligations are essentially nothing more than the application to a specific case of the general obligations undertaken in the United Nations Charter and which all Members of the said organization have solemly promised to "fulfil in good faith", in Article 2 of the Charter itself;

Bearing in mind that the General Assembly of the United Nations in two of its resolutions - resolution 2286 (XXII) of 5 December 1967 and resolution 2456 B (XXIII) of 20 December 1968 - and the Conference of Non-Nuclear Weapon States, in one resolution - resolution B of 27 September 1968 - have urged the Powers possessing nuclear weapons to sign and ratify Additional Protocol II of the Treaty of Tlatelolco as soon as possible.

Observing that, despite these appeals, despite the support which, as the nuclear Powers themselves have repeatedly proclaimed, should be given to any nuclear-weapon-free zone which may be established on the initiative of the States situated within the zone, and despite the fact that the Treaty of Tlatelolco is the only treaty which it has so far been possible to conclude for the establishment of such a zone comprising territories densely populated by man, Additional Protocol II, which has already been open for signature for more than two and a half years, has so far been signed by only two of the nuclear-weapon States and has not yet been ratified by any of them;

Convinced that, if this situation is prolonged, it will be necessary for the General Assembly of the United Nations to consider, as it does each year in regard to the Declaration on the Granting of Independence to Colonial Countries and as it did at its twenty-first session in regard to the Declaration of the Inadmissibility of Intervention, the status of the implementation of its resolution 2456 B (XXIII)

in which it reiterated with particular emphasis paragraph 4 of its resolution 2456 (XXII) and the relevant clauses of resolution B of the Conference of Non-Nuclear-Weapon States.

1. Deplores that not all the nuclear-weapon States have yet signed Additional Protocol II of the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco);

2. Urges the nuclear-weapon States fully to comply with the appeals addressed to them by the General Assembly of the United Nations and by the Conference of Non-Nuclear Weapon States to the effect that they sign and ratify the said Protocol as soon as possible.

3. Invites the States Members of the Agency for the Prohibition of Nuclear Weapons in Latin America, in the event of Additional Protocol II not having been signed and ratified by all the nuclear-weapon States by 30 June 1970, to take joint action for the inclusion of the following subject: "Status of the implementation of resolution 2456 B (XXIII) on the signing and ratification of Additional Protocol II of the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco)" in the agenda of the twenty-fifth session of the General Assembly of the United Nations;

4. Requests the President of the General Conference to communicate the text of this resolution to the Governments of the nuclear-weapon States.

ANNEX II

MESSAGE ADDRESSED BY THE PRESIDENT OF MEXICO, Mr. GUSTAVO DIAZ ORDAZ, TO THE GENERAL CONFERENCE OF THE AGENCY FOR THE PROHIBITION OF NUCLEAR WEAPONS IN LATIN AMERICA ON THE OCCASION OF THE OPENING MEETING OF ITS FIRST SESSION ON 2 SEPTEMBER 1969

I convey my warmest greetings to the distinguished members of the delegations participating in the General Conference of the Agency for the Prohibition of Nuclear Weapons in Latin America, which has honoured my country by establishing its headquarters here.

In the name of the people and Government of Mexico, I extend my most cordial welcome to the Secretary-General of the United Nations and to the Director-General of the International Atomic Energy Agency, Mr. Sigvard Eklund.

The presence among us of U Thant, whose untiring efforts on behalf of peace have earned him a universal debt of gratitude, constitutes in itself the best proof of the recognition by the community of nations of the importance and nobility of the tasks before the Conference, for whose success I am happy to express my most sincere wishes.

It is greatly to be hoped, as was expressed by the Presidents of America at Punta del Este in April 1967 that the body whose life is being initiated will very soon be able to group together all the countries of our region. May the step we are now taking serve to remind our peoples and the world of Latin America's firm will and determination to devote its resources - which are so meagre when compared with the size of its needs - before all else to promoting, in friendship and mutual respect, the progress and well-being of its peoples.

ANNEX III

STATEMENT BY U THANT,
SECRETARY-GENERAL OF THE UNITED NATIONS,
AT THE OPENING MEETING OF THE FIRST SESSION OF THE GENERAL CONFERENCE
OF THE AGENCY FOR THE PROHIBITION OF NUCLEAR WEAPONS IN LATIN AMERICA (OPANAL),
ON 2 SEPTEMBER 1969

It is a great pleasure and indeed an honour for me to be in Mexico City at the inauguration of the General Conference of the Agency for the Prohibition of Nuclear Weapons in Latin America, which is known by its Spanish acronym, OPANAL. The Agency is in a sense an offspring of the United Nations. In November 1963, by resolution 1911 (XVIII), the General Assembly first gave its blessing and encouragement to the idea of creating a nuclear-free zone in Latin America. The establishment of such a zone, it was felt, would not only be of great benefit to the people of Latin America by assuring their security and permitting them to concentrate their energies and resources on peaceful economic and social pursuits, but it would also be of benefit to the people of the world as a whole by eliminating the threat of a nuclear arms race and of nuclear war from an important area of the world, and thus help to promote the cause of disarmament and of international peace and security.

Yesterday I have had already the opportunity to express personally to His Excellency President Diaz Ordaz, as well as to His Excellency the Secretary of Foreign Relations, Dr. Carrillo Flores, that the support which both have given to the initiative for the denuclearization of Latin America will no doubt occupy an outstanding place in the record of the international action of the present Mexican administration.

The creation of the zone is in full accord with the purposes and principles of the United Nations Charter. In fact, after the Treaty for the Prohibition of Nuclear Weapons in Latin America was adopted and signed by the members of the Preparatory Commission, the General Assembly in December 1967, by resolution 2286 (XXII), welcomed the Treaty "with special satisfaction" as "an event of historic significance in the efforts to prevent the proliferation of nuclear weapons and to promote international peace and security" "which at the same time establishes the right of Latin American countries to use the nuclear energy for demonstrated peaceful purposes in order to accelerate the economic and social development of their peoples".

It is a matter of great satisfaction to me that, pursuant to the General Assembly resolution of 1963, I was able to provide such assistance as the Preparatory Commission requested, and that a technical consultant from the Secretariat participated in its important work. I have followed the efforts of the States of Latin America with very close attention and have been greatly encouraged and impressed by the progress made at each successive stage.

It is no secret that, as is the case with any great endeavour or pioneering project, there were some who had serious doubts as to whether the States of Latin America could succeed in their work or achieve any concrete results. Nevertheless, they persisted in their efforts and made steady progress year by year towards the attainment of their objective. Today we see the culmination and fruition of five years of difficult and painstaking work. I would like to extend my sincere congratulations to all the Governments and statemen who have laboured so long and so well to arrive at the goal you have reached today, and in particular to the Government of Mexico, which has been host to all your meetings, and to Dr. Alfonso García Robles, who has presided over and given leadership and guidance to your meetings from the very beginning until the present time.

It is a matter of profound regret to me that successes in the field of disarmament have been few and far between. It is, of course, easy to appreciate the great obstacles that make progress in the field of disarmament and arms control so slow, so complicated and so frustrating. But these very difficulties make your achievement all the more remarkable and significant. In a world that all too often seems dark and foreboding, the Treaty of Tlatelolco will shine as a beacon light. It is a practical demonstration to all mankind of what can be achieved if sufficient dedication and the requisite political will exist.

The Treaty of Tlatelolco is unique in several respects. It is true that the Antarctica Treaty and the Outer Space Treaty have prevented an arms race from taking place in those regions, and that concerted international efforts are now being undertaken to keep the arms race from spreading to the sea-bed and the ocean floor. All these regions have an element in common in that they are not inhabited. The Treaty of Tlatelolco is unique in that it applies to an important inhabited area of the earth. It is also unique in that the Agency which is being established at this session will have the advantage of a permanent and effective system of control with a number of

novel features. In addition to applying the safeguards system of the International Atomic Energy Agency, the regime under the Treaty also makes provision for special reports and enquiries and, in cases of suspicion, for special inspections. There is embodied in your Treaty a number of aspects of the system known as "verification-by-challenge", which is one of the more hopeful new concepts introduced into the complicated question of verification and control.

The Treaty of Tlatelolco preceded the Treaty for the Non-Proliferation of Nuclear Weapons by more than a year and exceeds it in the scope of its prohibitions and its control features. Both Treaties have a similar goal, but the former Treaty goes beyond the latter in also prohibiting the use or threat of use of nuclear weapons in the area of the nuclear-free zone. The Treaty of Tlatelolco has already created some precedents in the field of control. The provisions of the Treaty concerning the application of the IAEA safeguards system were officially recognized as having provided the basis for a somewhat similar provision in the Non-Proliferation Treaty. Your Treaty also establishes a form of "complaints procedure" which has been used as a guide in other draft instruments and which may become an important model for adaptation to other treaties in the field of arms control and disarmament. It seems quite evident that your Treaty will provide an example and precedent for the establishment of nuclear-free zones in other areas of the world. It is my earnest hope that it will also be a stimulant for the creation of additional nuclear-free zones and for progress towards other disarmament measures of a world-wide nature.

It is a matter of gratification that the number of ratifications of the Treaty is steadily increasing and that new members continue to swell the ranks of participants in the Agency. I am also happy to note that, pursuant to the invitations addressed by the General Assembly to the nuclear-weapon Powers to sign and ratify Protocol II of the Treaty, two of them have already affixed their signatures and have thus demonstrated their intention to respect the denuclearized status of the zone. It is my hope that additional signatures and ratifications will be forthcoming soon to ensure that not only the States party to the Treaty refrain from manufacturing or acquiring nuclear weapons, but also that the nuclear weapon Powers will refrain from stationing, deploying, using or threatening to use weapons against any of the countries in the zone.

Under the safeguards and guarantees provided by the Treaty of Tlatelolco and by the operations of the Agency, nuclear energy will be used for exclusively peaceful purposes in the countries within the zone and its benefits will be devoted solely towards the economic development and social progress of your people. Thus, the States Member of OPANAL will take the lead in demonstrating to the world that nuclear energy will be, as it should be, a great boon to mankind and not the instrument of its doom.

The States of Latin America, which also include the States of the Caribbean Sea, have laboured hard and built well in erecting the edifice of the Agency for the Prohibition of Nuclear Weapons in Latin America. Perhaps history will record that they, too, "builded better than they knew". And now OPANAL has come to life. I am confident that it has the good wishes of the Members of the United Nations. As the Agency proceeds with its work for security, for peace and for progress, I feel sure it will continue to have the encouragement and support of the United Nations. Under the Agency's Charter -- the Treaty of Tlatelolco -- you have provided for close links with the United Nations. It is my hope that in the years to come these links will be forged ever stronger for the mutual benefit of both Organizations in their common cause.

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ANNEX IV

STATEMENT BY DR. SIGVARD EKLUND, DIRECTOR GENERAL OF THE INTERNATIONAL ATOMIC ENERGY AGENCY (IAEA), AT THE OPENING MEETING OF THE FIRST SESSION OF THE GENERAL CONFERENCE OF THE AGENCY FOR THE PROHIBITION OF NUCLEAR WEAPONS IN LATIN AMERICA (OPANAL), ON 2 SEPTEMBER 1969

I am honoured to be invited to be present on this important occasion, when for the first time an international body has been created specifically to ensure compliance with a treaty under which parties to the Treaty solemnly pledge to use nuclear energy exclusively for peaceful purposes, and to keep an entire sub-continent free from nuclear weapons. It is also the first meeting of a regional grouping that has accepted the application of safeguards by another organization on their nuclear activities.

Although the concept of establishing a nuclear weapon free zone is not new, the creation of the Agency for the Prohibition of Nuclear Weapons in Latin America is the first tangible realisation of such an ideal. With it the aspirations of the people of Latin America for security and the prospect of wider and more productive applications of atomic energy for peaceful purposes has come nearer to fulfilment.

This is an important occasion for the International Atomic Energy Agency since under the Treaty for the Prohibition of Nuclear Weapons in Latin America it is given significant recognition. The Treaty envisages that the International Atomic Energy Agency which I have the honour to direct, will co-operate in various ways with the Agency you have established. It is therefore a particular pleasure for me to be here today. I congratulate the Governments concerned upon their courage and their imagination in this enterprise in establishing the Agency for the Prohibition of Nuclear Weapons in Latin America, and recognize that credit is due to the five Heads of States in Latin America whose initiative in 1963 was the first step on the path that has culminated in today's Conference. Particular recognition is due to the Government of Mexico for the efforts it has made towards the conclusion of the Treaty, which is given due recognition by the decision to establish the Agency in this magnificent city, and in this connexion a special tribute should be paid to Dr. Garcia Robles, who might justly be described as the architect of the Tlatelolco Treaty. His vision, his tenacity and his energy devoted to the cause of peace are embodied in the Treaty which will serve as a monument to his services to the countries of Latin America. I have no doubt that the International Atomic Energy Agency, within

its statutory powers, will do its best to fulfil the tasks which may be allocated to it under the Treaty and to assist your Agency, its various organs and its Member States, singly and in concert, to meet the high goals that they have set for themselves.

Under the Treaty for the Prohibition of Nuclear Weapons in Latin America, the International Atomic Energy Agency is mentioned in connexion with two broad categories of activities:

- firstly, the functions arising out of safeguards agreements concluded by it, with a Contracting Party, or Parties; and
- secondly, other functions such as those stemming from the establishment of the Agency for the Prohibition of Nuclear Weapons in Latin America, in particular those arising within the framework of an agreement which may be concluded between our two Agencies. The Treaty also makes reference to possible complementary safeguards functions for the IAEA, such as the receipt of particular reports or the observation of peaceful nuclear explosions.

About one year after the Tlatelolco Treaty was signed, a draft Treaty on the Non-Proliferation of Nuclear Weapons was tabled within the Eighteen-Nations Disarmament Committee in Geneva. Apart from the close similarity in a number of provisions of the treaties, Article VII of NPT recognizes specifically the right of any group of states to conclude regional treaties in order to assure the total absence of nuclear weapons in their territories. The Tlatelolco Treaty might thus be regarded as the first multilateral treaty in the field of nuclear disarmament which provides for the application of an institutionalized and international control system and as such represents a decisive step forward in the recognition and acceptance of international safeguards. Both treaties call upon the IAEA to perform one of its main statutory functions, that is, to apply safeguards at the request of the parties to a multilateral arrangement. It is desirable that we should co-ordinate our functions under both treaties by applying a single control system and using a single yardstick. It is equally desirable that the safeguards to be applied by the IAEA under both treaties should be similar and as identical as possible in the things they cover, the extent and the manner of coverage and in other relevant aspects.

The IAEA must also take account of existing safeguards obligations in Latin America. The IAEA is at present a party to nine agreements providing for the application of safeguards in six Latin American countries. In four of these it

applies safeguards provided for in bilateral agreements, namely with Argentina, Brazil, Colombia and Venezuela. Safeguards are also applied under four agreements for the provision of various items of equipment and material; of which two have been concluded with Argentina and one each with Mexico and Uruguay. A further agreement of this type is now under discussion with Chile. Argentina has recently announced that it will submit its new power reactor to IAEA safeguards, and Mexico has already concluded with the International Atomic Energy Agency an agreement under Article 13 of the Treaty for the Prohibition of Nuclear Weapons in Latin America.

Each of the fourteen Latin American States for whom the Treaty for the Prohibition of Nuclear Weapons in Latin America has gone into effect has also signed the Non-Proliferation Treaty and of these two have also ratified it. Six further Latin American countries, which have signed, but not yet ratified, the Treaty of Tlatelolco have also signed the Non-Proliferation Treaty. It is therefore likely that many of the signatories of the Latin American Treaty will also eventually become parties to the Non-Proliferation Treaty.

As a basis for the safeguards functions which your Treaty foresees for the IAEA, each State concerned will first of all need to conclude with the Agency the safeguards agreement mentioned in Article 13 of the Treaty. This should enable the terms of reference for the IAEA's safeguards operation to be established, and serve as the instrument by which the States accept the obligations, the compliance with which the Agency is required to supervise. The conclusion of such agreements, whilst creating for the IAEA the obligation to carry out its tasks, will also give the States concerned the appropriate rights and obligations towards the IAEA. As I have already said it would be highly desirable for the agreements concluded between the Contracting Parties and the IAEA to be basically similar, and leave room for the observance of further obligations which these States and the IAEA may have incurred or will incur in the future.

So far I have spoken only of the functions of the IAEA for the prevention of improper uses of nuclear energy. These functions are of course only the counterpart to the promotion of nuclear energy. I hope that the Treaty for the Prohibition of Nuclear Weapons in Latin America will not only increase security in the area but that in so doing will impose a positive beneficial impact on the development of nuclear energy in Latin America. Although the control functions of the IAEA are so much in the spotlight of public interest, we never forget that it is our primary objective to

accelerate and enlarge the contribution of atomic energy to peace, health and prosperity throughout the world. In Latin America the International Atomic Energy Agency has already found a fruitful field for these promotional aspects of its work.

The assistance given by the IAEA to its Member States in fostering the application of atomic energy for peaceful purposes embrace a wide range of activities. Within the limits of its available funds it focuses on problems of high priority in which minimum expenditure can achieve the maximum results. It sends out experts to advise Governments on matters concerning nuclear power and advises them on the basic legislation needed. It organizes seminars and sends advisory missions to assist in planning power programmes and dealing with safety problems. Member States are assisted in making the best use of existing research reactors. On the fuel side, technical advice is given to help Member States in locating resources of nuclear materials and in developing cheaper methods for recovering uranium. The IAEA awards fellowships to help train the scientists and technical personnel necessary in any country which wishes to embark on the use of nuclear energy.

Among other subjects which the IAEA is active in promoting are the various applications of radioisotopes and radiation in agriculture, medicine and industry. A further interesting example of the work done is the studies on the use of nuclear power for the dual purpose of desalting and electricity production in which the IAEA has been a partner with Mexico and the USA in preliminary studies of the possibilities for nuclear desalination in the Pacific Coast.

Much of the programme which I have described has benefited directly and indirectly the countries of Latin America. In the ten years between 1958 and 1968 - total expenditure on technical assistance in Latin America, for experts, equipment and fellowships, was about $5 million, which was 21% of the total technical assistance provided by the Agency. About 300 experts have been provided in fields ranging from general atomic energy development to the application of radioisotopes. During the same period 440 fellowships have been awarded to Latin American countries and 14 regional training courses have been held in seven different States. A number of special missions have been organized to advise governments on a variety of subjects and nuclear power studies have been made in Argentina and Brazil. Research contracts of a value exceeding $600,000 have been awarded to 13 countries in the region. I mention these figures to illustrate the efforts of the IAEA to advance the development

of the peaceful uses of nuclear energy in the countries signatories of the Tlatelolco Treaty and to indicate those other Agency's activities which are the counterpart of safeguards.

The possibilities for the use of nuclear explosives for peaceful purposes has excited public interest particularly in relation to NPT and this is a field in which Latin American countries have shown great awareness. In 1968, the General Conference of the I.A.E.A. adopted a resolution on this subject following which the Board of Governors has made a study of the role the Agency could play in providing the necessary services. In the report resulting from these studies the Board has stressed that the technology of nuclear explosives for peaceful purposes is still in an early stage of development, that much research and experimenting is needed before nuclear explosives can usefully service in projects for which conventional explosives have been used hitherto, and that the Agency's role in bringing the benefits of this technology to its Member States is likely to evolve gradually in the years ahead. Initially, the chief task will be to ensure the fullest possible exchange and dissemination of information on nuclear explosives techniques and applications, the convening of panels and the provision to Member States of advice on the status of the technology, the feasibility of possible applications of nuclear explosives, etc. At some later stage, the Agency would, if invited, be prepared to participate in actual projects.

The establishment of the Agency for the Prohibition of Nuclear Weapons in Latin America has been a long and difficult task. The tasks it now faces are no less formidable. The new Agency has to ensure that the aims of the Treaty are met, so that Latin America indeed is and will remain an area free from nuclear weapons. I am convinced that if it succeeds in this task it will establish an atmosphere of security among its Member States - with the help of the Nuclear Weapon States acting in accordance with Additional Protocol II. It will thereby do much to further international exchange and national and regional development in the peaceful uses of nuclear energy, in which objective the International Atomic Energy Agency is prepared to assist the Latin American States. I am looking forward to fruitful co-operation between the Agency in Mexico and the I.A.E.A. in Vienna, and I wish to assure you in concluding, Mr. President, of my willingness to discuss substantive steps that will be needed to make this co-operation a reality.

ANNEX V

STATEMENT MADE BY THE PRESIDENT OF THE GENERAL CONFERENCE OF THE AGENCY FOR THE PROHIBITION OF NUCLEAR WEAPONS IN LATIN AMERICA, MR. ALFONSO GARCIA ROBLES, UNDER-SECRETARY FOR FOREIGN AFFAIRS, AT THE OPENING MEETING OF THE FIRST SESSION OF THE GENERAL CONFERENCE, ON 2 SEPTEMBER 1969

Tuesday, 2 September 1969, will be a date never to be forgotten, not only in the annals of Latin America, but also in the history of humanity's efforts to eliminate nuclear weapons and contribute to the strengthening of peace.

To realize that there is no exaggeration in the preceding statement, it is sufficient to reflect for a moment that the nuclear-weapon-free zone which is the objective of the Treaty of Tlatelolco will one day cover the whole area of the Latin American subcontinent, and that it already contains more than 5.5 million square kilometres, consisting not of expanses of eternal snows or of uninhabited celestial bodies, but of fertile lands inhabited by approximately 100 million human beings.

It should not be forgotten that the Treaty for the Prohibition of Nuclear Weapons in Latin America is the only international instrument now in force designed to ensure, through an effective international control system under its own permanent supervisory body, the total absence of nuclear weapons in a densely populated region of the earth. I take the word "absence" from the definition which, in November 1964, was incorporated in the first resolution adopted by the Preliminary Meeting on the Denuclearization of Latin America. "Absence" is a conception of pellucid clarity, which does not lend itself to false or subtle interpretations, and can mean nothing else than the non-existence in perpetuity of nuclear weapons in the territories of the Contracting Parties, whatever State may have such weapons under its dominion or control.

It can therefore be asserted with every justification that the establishment of nuclear-weapon-free zones constitutes an effective method of nuclear disarmament, and that if it should prove feasible to bring into force a universal treaty on the lines of the Treaty of Tlatelolco, the problem of nuclear disarmament will have been automatically solved, since that would entail the abolition of the vast nuclear arsenals which at present exist in the world.

For the States of Latin America which are already Parties to the Treaty, as for those which will accede to it in the future, the regime of total military denuclearization established under the Treaty entails a two-fold benefit: that of removing from their territories the danger of being converted into a possible target for nuclear attack, and that of avoiding the wastage of their resources, indispensable for the economic and social development of their peoples, on the production of nuclear weapons.

To give an idea of the potential savings which this implies, we need only recall that world expenditure for military purposes - largely earmarked for nuclear weapons and the vehicles for their propulsion - amounted in 1968 to about $185,000 million. That expenditure engulfed more than 7 per cent of the gross world product. It is equivalent to the total annual product of the 1,000 million inhabitants of Latin America, Southern Asia and the Near East. It is 40 per cent greater than world expenditure on education and more than three times what the world spends on public health.

To illustrate the perils which the possible utilization of nuclear weapons would involve and which even their mere existence constitutes for mankind, it is enough to refer to the report submitted two years ago by the Expert Committee appointed by the Secretary-General of the United Nations.

According to that report, the basic and inductable fact is that the nuclear arsenals already in existence contain weapons of many megatons, each one of which has a destructive power greater than all the explosives used for warlike purposes since the invention of gunpowder. If these weapons were one day to be used on a large scale, hundreds of millions of persons might die, and civilization as we know it, and all forms of organized collective life, would inevitably come to an end in the countries affected by the conflict. Many of those who survived the immediate destruction would be exposed to the radioactive contamination which would spread in all directions; they would suffer the long-term effects of the radiation and would transmit to their offspring genetic disorders that would come to light in the defects of succeeding generations.

If we reflect a little on the meaning of such authoritative statements, it is easy to understand why, in the preamble to the Treaty of Tlatelolco, the signatory States, "in the name of their peoples, and faithfully interpreting their desires and aspirations", express their conviction:

> "That nuclear weapons, whose terrible effects are suffered, indiscriminately and inexorably by military forces and civilian population alike, constitute, through the persistence of the radioactivity they release, an attack on the integrity of the human species and ultimately may even render the whole earth uninhabitable."

The benefits of the Treaty, however, are not restricted to Latin America. As was well said by U Thant in his message to the Preparatory Commission on 12 February 1967, the success achieved in Latin America would not only constitute a landmark but would provide an inspiring example and, he was confident, an important

stimulus to the adoption of other disarmament measures of regional and world significance. On the same occasion he added that the importance of the Commission's work went beyond the field of nuclear disarmament and contributed in a practical way to the promotion of international peace and security.

It should also be remembered that, apart from the absolute prohibition of nuclear weapons, the fundamental aims of the Treaty of Tlatelolco include that of encouraging the use of nuclear energy for peaceful purposes in the region, and of ensuring "that the Latin American countries should use their right to the greatest and most equitable possible access to this new source of energy in order to expedite the economic and social development of their peoples."

The inclusion in the Treaty of this sixteenth paragraph of the preamble was doubtless intended to stress the need to ensure that international co-operation to promote the peaceful uses of atomic energy in the area covered by the Treaty should be organized in such a way as to help to reduce the economic and social gap between what are figuratively called the "peoples of the North" and the "peoples of the South".

The reasons I have just outlined were certainly those which induced the United Nations General Assembly, on 5 December 1967, to approve resolution 2286 (XXII) without a single dissenting vote. That resolution welcomed the Treaty for the Prohibition of Nuclear Weapons in Latin America "with special satisfaction" and proclaimed that it "constitutes an event of historic significance in the efforts to prevent the proliferation of nuclear weapons and to promote international peace and security and ... at the same time establishes the right of Latin American countries to use nuclear energy for demonstrated peaceful purposes in order to accelerate the economic and social development of their peoples".

The Agency for the Prohibition of Nuclear Weapons in Latin America, which is known by the initials OPANAL and whose principal and fully representative organ, the General Conference, is today beginning its work, represents the culmination of almost five years of joint and persevering effort by the Latin American States since the Preliminary Meeting of November 1964. The Agency's goal will be to ensure the practical implementation of the provisions of the Treaty and the attainment of its two fundamental aims, to which I referred earlier: to guarantee the total absence of nuclear weapons and, in an equitable manner, to promote the use of the atom for peaceful purposes.

The agenda of the first session of the Conference faithfully reflects this dual concern. Apart from the eight predominantly legal and administrative texts

proposed under item 7, which, if approved, will constitute the basic rules governing the operation and budgetary arrangements of OPANAL, the agenda contains three substantive items on which I should like to make a few general remarks.

Item 9, which refers to the status of Additional Protocol II to the Treaty, is of particular importance for ensuring its maximum effectiveness. The report submitted on this subject by the Depositary Government focusses attention on the need for nuclear-weapon States to which the Protocol is open for signature to take speedy measures to give effect to the invitations repeatedly addressed to them by the United Nations General Assembly to sign and ratify the Protocol "as soon as possible". In this connexion, emphasis should be placed on the very pertinent statement made by the Conference of Non-Nuclear-Weapon States in September 1968 when it expressed its conviction that "for the maximum effectiveness of any treaty establishing a nuclear-weapon-free-zone, the co-operation of the nuclear-weapon States is necessary and that such co-operation should take the form of commitments likewise undertaken in a formal international instrument which is legally binding, such as a treaty, convention or protocol".

The report of the Mexican Government on the Safeguards Agreement which it concluded with the International Atomic Energy Agency on 6 September 1968 - agenda item 10 - is evidence of a concern which I am sure is shared by all Member States of OPANAL: to give practical effect to one of the most important aspects of the system of control established under the Treaty of Tlatelolco by the negotiation of agreements for the application of the IAEA safeguards to the nuclear activities of the Contracting Parties pursuant to the provisions of article 13 of the Treaty.

The third of the points to which I referred a moment ago is agenda item 11, which deals with the use of nuclear energy for peaceful purposes. In considering this subject, the Conference will have before it Working Paper OPANAL/3, which sets forth and comments on a set of measures which could appropriately be adopted in pursuance of the sixteenth paragraph of the preamble to the Treaty and of article 17 of the Treaty itself. This is clearly a matter which deserves close study by the competent organs of Member States before any final conclusions are adopted on the subject, partly because of its exceptional importance and partly because, to some extent, it deals with what might be called a "new" field, since it received no detailed attention during the proceedings of the Preparatory Commission. It would therefore seem appropriate to adopt the procedure suggested in the Working Paper, which, by its avoidance of haste, could be the most suitable means of ensuring constructive and fruitful results in due course.

In concluding my speech, I think I can usefully revert to the point which I raised at the beginning.

I am convinced that all the Member States participating in this first session of the General Conference will unreservedly share the wish expressed by the President of Mexico in the message he has just addressed to the Conference, that OPANAL should very soon embrace all the countries in our region.

When this happens, and when, in addition, the Treaty of Tlatelolco extends to all the other territories forming part of this region, a statute enforcing absolute prohibition of nuclear weapons will apply throughout an area of more than 20 million square kilometres with a population, at the present density level, of some 260 million human beings.

This is the ideal we must pursue, and its attainment must be one of OPANAL's chief tasks.

Fortunately, we are able, in working towards this end, to draw encouragement and strength from a concrete fact: the impressive reality that the territories of the fourteen Member States in which the system of total absence of nuclear weapons set up by the Treaty of Tlatelolco is fully operative now covers more than 5.5 million square kilometres with a population of some 100 million inhabitants.

So great an achievement is clearly a credit to all the peoples and governments of Latin America which, in collaboration with the United Nations and its Secretary-General, have striven with exemplary perseverance to bring it about, to the gratitude of posterity.

CONFERENCE OF THE COMMITTEE ON DISARMAMENT

CCD/269
7 October 1969
Original: ENGLISH/
RUSSIAN

UNION OF SOVIET SOCIALIST REPUBLICS
AND
UNITED STATES OF AMERICA

Draft Treaty on the Prohibition of the Emplacement of Nuclear Weapons and other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil thereof

The States Parties to this Treaty,

Recognizing the common interest of mankind in the progress of the exploration and use of the seabed and the ocean floor for peaceful purposes,

Considering that the prevention of a nuclear arms race on the seabed and the ocean floor serves the interests of maintaining world peace, reduces international tensions, and strengthens friendly relations among States,

Convinced that this Treaty constitutes a step towards the exclusion of the seabed, the ocean floor and the subsoil thereof from the arms race, and determined to continue negotiations concerning further measures leading to this end,

Convinced that this Treaty constitutes a step towards a Treaty on General and Complete Disarmament under strict and effective international control, and determined to continue negotiations to this end,

Convinced that this Treaty will further the purposes and principles of the Charter of the United Nations, in a manner consistent with the principles of international law and without infringing the freedoms of the high seas,

Have agreed as follows:

Article I

1. The States Parties to this Treaty undertake not to emplant or emplace on the seabed and the ocean floor and in the subsoil thereof beyond the maximum contiguous zone provided for in the 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone any objects with nuclear weapons or any other types of weapons of mass destruction, as well as structures, launching installations or any other facilities specifically designed for storing, testing or using such weapons.

2. The States Parties to this Treaty undertake not to assist, encourage or induce any State to commit actions prohibited by this Treaty and not to participate in any other way in such actions.

(Previous documents in this series appeared under symbols ENDC/1-ENDC/266)

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Article II

1. For the purpose of this Treaty the outer limit of the contiguous zone referred to in Article I shall be measured in accordance with the provisions of Section II of the 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone and in accordance with international law.

2. Nothing in this Treaty shall be interpreted as supporting or prejudicing the position of any State Party with respect to rights or claims which such State Party may assert, or with respect to recognition or non-recognition of rights or claims asserted by any other State, related to waters off its coasts, or to the seabed and the ocean floor.

Article III

1. In order to promote the objectives and ensure the observance of the provisions of this Treaty, the States Parties to the Treaty shall have the right to verify the activities of other States Parties to the Treaty on the seabed and the ocean floor and in the subsoil thereof beyond the maximum contiguous zone, referred to in Article II, if these activities raise doubts concerning the fulfillment of the obligations assumed under this Treaty, without interfering with such activities or otherwise infringing rights recognized under international law, including the freedoms of the high seas.

2. The right of verification recognized by the States Parties in paragraph 1 of this Article may be exercised by any State Party using its own means or with the assistance of any other State Party.

3. The States Parties to the Treaty undertake to consult and to cooperate with a view to removing doubts concerning the fulfillment of the obligations assumed under this Treaty.

Article IV

Any State Party to the Treaty may propose amendments to this Treaty. Amendments must be approved by a majority of the votes of all the States Parties to the Treaty, including those of all the States Parties to this Treaty possessing nuclear weapons, and shall enter into force for each State Party to the Treaty accepting such amendments upon their acceptance by a majority of the States Parties to the Treaty, including the States which possess nuclear weapons and are Parties to this Treaty. Thereafter, the amendments shall enter into force for any other Party to the Treaty after it has accepted such amendments.

Article V

Each Party to this Treaty shall in exercising its national sovereignty have the right to withdraw from this Treaty if it decides that extraordinary events related to

the subject matter of this Treaty have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it considers to have jeopardized its supreme interests.

Article VI

1. This Treaty shall be open for signature to all States. Any State which does not sign the Treaty before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and of accession shall be deposited with the Governments of ....., which are hereby designated the Depositary Governments.

3. This Treaty shall enter into force after the deposit of instruments of ratification by twenty-two Governments, including the Governments designated as Depositary Governments of this Treaty.

4. For States whose instruments of ratification or accession are deposited after the entry into force of this Treaty it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall forthwith notify the Governments of all States signatory and acceding to this Treaty of the date of each signature, of the date of deposit of each instrument of ratification or of accession, of the date of the entry into force of this Treaty, and of the receipt of other notices.

6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

Article VII

This Treaty, the English, Russian, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the States signatory and acceding thereto.

In witness whereof the undersigned, being duly authorized thereto, have signed this Treaty.

Done in ..... at ..... this ..... day of .....